

000737

# REQUEST FOR COUNCIL ACTION

## CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
DEVELOPMENT SERVICES3. DATE:  
August 31, 2007111  
11/20

## 4. SUBJECT:

Public Utility Easement Vacation in Lots 255 &amp; 256 of Kensington Heights Unit No. 3 Map No. 1948

5. PRIMARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

G. Bollenbach Ext. 65417 MS 501

6. SECONDARY CONTACT (NAME, PHONE, &amp; MAIL STA.)

Anne Hoppe Ext. 65290 MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	9/21/07	4	DEPUTY CHIEF	<i>[Signature]</i>	9/28/07
2	EAS	<i>[Signature]</i>	9/25/07				
				5	CITY ATTORNEY	<i>[Signature]</i>	10/31/07
3	LIAISON OFFICER	<i>[Signature]</i>	9/28/07	6	ORIG. DEPT	<i>[Signature]</i>	10/31/07
					DOCKET COORD:	<i>[Signature]</i>	
					COUNCIL LIAISON	<i>[Signature]</i>	
					COUNCIL PRESIDENT	<i>[Signature]</i>	
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:		COUNCIL DATE: 11/20/07

11. PREPARATION OF:

☒ RESOLUTIONS☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the vacation of an unneeded public utility easement in Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948 as shown on Engineering Drawing No. 20692-B.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 3

COMMUNITY AREA(S): MID-CITY: KENSINGTON-TALMADGE

ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301

HOUSING IMPACT:

OTHER ISSUES:

ATTACHMENTS: VICINITY MAP, 20692-B, LEGAL DESCRIPTION

W.O. NO. 426395 PTS NO. 102063

01001-1 11/20/07

11/20/07

000739

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 31, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Development Services  
SUBJECT: Public Utility Easement Vacation  
COUNCIL DISTRICT(S): 3  
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of an unneeded public utility easement vacation in Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This easement vacation is located in the Mid-City: Kensington-Talmadge Community Plan area, on Canterbury Drive, north of Adams Avenue. This project consists of vacating a public utility easement that was granted to the City over five years ago at no cost to the City. The easement has not been used for the purpose for which it was dedicated or acquired for the last five years, and is no longer required by the City. There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

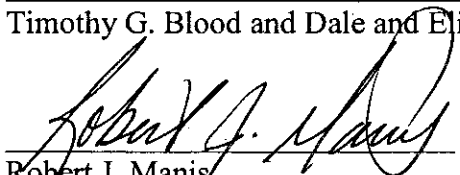
N/A

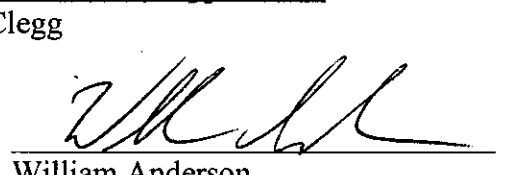
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Timothy G. Blood and Dale and Elizabeth Clegg

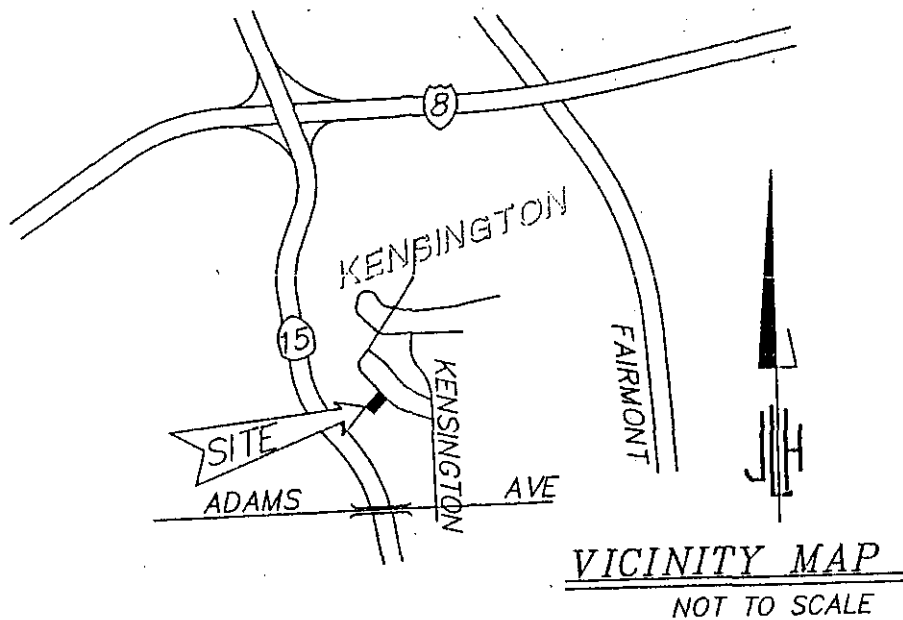
  
Robert J. Manis  
Assistant Director  
Development Services Department

  
William Anderson  
Interim Deputy Chief of Land Use and  
Economic Development

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# PUBLIC UTILITY EASEMENT

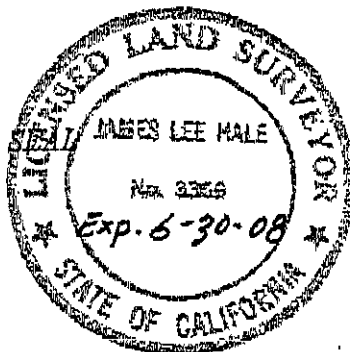
## VACATION



000742

Exhibit "A"  
Public Utility Easement Vacation

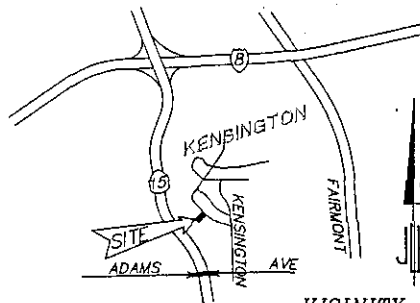
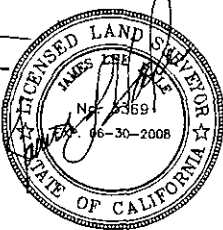
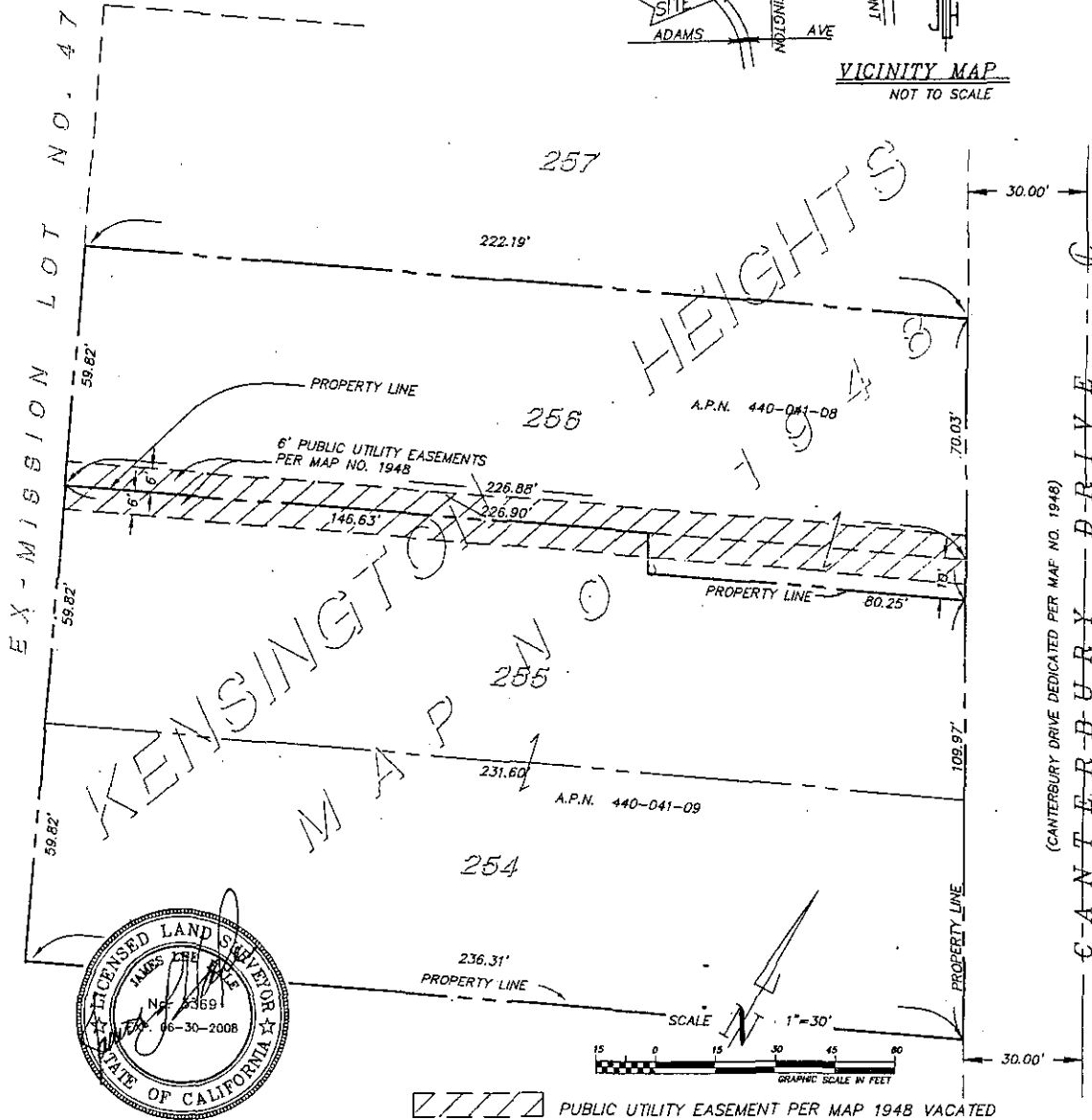
All that Public Utilities Easement granted to the City of San Diego in Lots 255 and 256 per Map 1948, in the City of San Diego, County of San Diego, State of California, recorded September 28, 1926 in the Office of the San Diego County Recorder.



*James L. Hale* 9-4-07  
signature date

Reference:  
Dwg. 20692-B  
File PTS 102603  
JO 426395

000743

VICINITY MAP  
NOT TO SCALE

J L H Inc., SURVEYORS  
7910 CONVOY COURT  
SAN DIEGO, CALIF. 92111  
PH. (858) 715-1420 P.L.S. 3369

# PUBLIC UTILITY EASEMENT VACATION LOTS 255 & 256 KENSINGTON HEIGHTS MAP, 1948

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PT No. 102063
ORIGINAL					SHEET 1 OF 1 SHEET	JO No. 426395
					CITY ENGINEER	DATE
					DIVISION HEAD	DATE
						CCS 83 COORDINATES
						LAMBERT COORDINATES
						20692 -B

EXHIBIT B

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment of easements by City Council resolution where the easement to be vacated has not been used for the purpose for which it was dedicated or acquired for five consecutive years prior to the proposed vacation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary public utility easement in Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948 as depicted on Engineering Drawing No. 20692-B, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public utility easement, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land made available by the abandonment; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the public utility easement located within Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20692-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-\_\_\_\_\_, and RR-\_\_\_\_\_, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky  
Rachel Lipsky  
Deputy City Attorney

RL:pev:mm

10/31/07

Or.Dept:DSD

R-2008-290

MMS #5397

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04